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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,905	08/13/2001	Sei Kato	Q65759	4795

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,905

Applicant(s)

KATO, SEI

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/13/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Coleman (U.S. Patent 5,844,620).

With Respect to claims 1, 5, 9, Coleman discloses an information communication (See e.g. Abstract) terminal apparatus for receiving a plurality of services (See e.g. Fig. 2, Co. 13, Line 41 _ Co. 14, Lines 7), a service attribute determination (See Co. 1, Lines 16-27, Co. 3, Lines 22-26) part for determining an attribute (See e.g. Co. 5, Lines 4-16) of each of plurality of services (See e.g. Co. 5, Lines 4-16); and a service selection part for selecting a service to be used from among plurality of services, wherein service selection part excludes (See e.g. preventing special program, pay-per-view, non-pay-

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par-view, Co. 4, Lines 5-12, Co. 22, Lines 51-54) , from candidates for selection (i.e. provided event, sports, movies, television program, stereo, rerun, series), any service whose attribute indicates that the service is a subscribed / non-subscribed pay service / free service (i.e. pay-per-view , non-pay-par-view, pricing option, on demand programming), based on determination by service attribute determination part (See e.g. Co. 15, Lines 33-49, Co. 22, Lines 41-67).

Regarding claims 2, 6, 10, Coleman discloses a search part for performing search processing of retrieving a receivable service from plurality of services (See e.g. Fig. 2, Co. 13, Line 41 _ Co. 14, Lines 7), wherein search part excludes (See e.g. preventing special program, pay-per-view, non-pay-par-view, Co. 4, Lines 5-12), from candidates for search processing, any service whose attribute indicates that the service is a non-subscribed pay service / free service / subscribed pay service (i.e. pay-per-view, non-pay-par-view), based on determination by service attribute determination part (See e.g. Co. 15, Lines 33-62, Co. 22, Lines 41-67, Co. 23, Lines 32-41).

Regarding claims 3, 7, 11, Coleman discloses a preset part (See Fig. 11, for performing preset processing of extracting a receivable service from plurality of services (See e.g. Fig. 2, Co. 13, Line 41 _ Co. 14, Lines 7), and assigning a predetermined preset button to a information for obtaining receivable service, wherein preset part excludes (See Co. 22, Lines 51-54), from candidates for preset processing, any service whose attribute indicates that the service is a non-subscribed pay service / subscribed pay service / free service (i.e. pay-per-view , non-pay-par-view, pricing option, on demand programming), based on determination by service attribute determination part (See e.g. Co. 22, Lines 58-67).

Regarding claims 4, 8, 12, Coleman discloses an information display part (See e.g. Co. 5, Lines 4-27 of Fig. 2) for performing information display processing of displaying information regarding a title and a content of each of plurality (Co. 13, Line 41 _ Co. 14, Lines 7) of services (Co. 15, Lines 33-16), wherein information display part excludes (See e.g. preventing special program, pay-per-view, non-pay-par-view, Co. 4, Lines 5-12), from candidates for information display processing, any service whose attribute indicates that the service is a non subscribed pay service / subscribed pay service / free service (i.e. pay-per-view , non-pay-par-view, pricing option, on demand programming) , based on determination by service attribute determination part (See e.g. Co. 15, Lines 33-62, Co. 22, Lines 41-67).

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Regarding claim 13, Coleman discloses a search part for performing search processing of retrieving a non-subscribed pay service from plurality of services (See e.g. Fig. 2, Co. 13, Line 41 _ Co. 14, Lines 7), wherein search part excludes (See e.g. preventing special program, pay-per-view, non-pay-par-view, Co. 4, Lines 5-12), from candidates for search processing, any service whose attribute indicates that the service is one of a subscribed pay service and a free service (i.e. pay-per-view, non-pay-par-view, pricing option, on demand programming), based on determination by service attribute determination part (See e.g. Co. 15, Lines 33-62, Co. 22, Lines 41-67).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


a) Sant et al. (U.S. 6,169,896 B1) Discloses System For Evaluating Communication Network Service.

b) Katsube et al. (U.S. Patent 6,144,661) Discloses Network Node Apparatus And virtual Connection Control Method For Providing Various Service Attributes In Multicast Communication.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Kamran Afshar


ERIKA GARY
PATENT EXAMINER